

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERICK URBINA-ESCOTO,

Defendant.

CASE NO. CR20-131 RSM

ORDER

THIS COURT having considered the stipulated motion for a continuance of the trial date and the facts set forth therein, and General Orders 01-20, 02-20, 03-20, 04-20, 07-20, 08-20, 15-20, 18-20 and 4-21 of the United States District Court for the Western District of Washington, addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, and the facts set forth in the stipulated motion, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of this disease, as well as the lack of the type of personal protective equipment necessary to ensure the health and safety of all participants, it is not possible at this time to proceed with a jury trial as scheduled on May 10, 2021.
2. Further, because of the recommendations that individuals at higher risk of contracting this disease—including individuals with underlying

1 health conditions, individuals age 60 and older, and individuals who are
 2 pregnant—avoid large groups of people, at this time, it would be
 3 difficult, if not impossible, to get a jury pool that would represent a fair
 4 cross section of the community. Based on the recommendations it
 would also be medically inadvisable to do so.

- 5 3. Additionally, the Court accepts the representation of the parties that the
 6 defendant's incarceration in ICE detention makes preparation for trial
 7 difficult. Additionally, the Court notes that counsel for the defendant
 8 has filed a motion to withdraw and to substitute counsel, which is being
 heard on April 19, 2021. The Court understands that the defendant has
 not agreed to waive speedy trial.
- 9 4. As a result, the failure to grant a continuance of the trial date in this case
 10 would likely result in a miscarriage of justice. Pursuant to 18 U.S.C.
 11 § 3161(h)(7)(A), the ends of justice served by continuing the trial in this
 12 case outweighs the best interest of the public and the defendant to a
 speedy trial.

13 IT IS THEREFORE ORDERED that the current trial date of May 10, 2021 is
 14 STRICKEN.

15 IT IS FURTHER ORDERED that jury trial in this matter is set for June 14 26, 2021 at
 16 9:00 AM.

17 IT IS FURTHER ORDERED that the current pretrial motions deadline is stricken. A
 18 new pretrial motions deadline is set for May 14, 2021.

19 IT IS FURTHER ORDERED that the time from the date of the entry this Order and
 20 the trial date set forth above shall be excludable time pursuant to 18 U.S.C. § 3161.

21 Dated this 9th day of April, 2021.

22 

23 RICARDO S. MARTINEZ
 24 CHIEF UNITED STATES DISTRICT JUDGE

25 Presented by:

26 s/ Stephen Hobbs

27 STEPHEN HOBBS

28 Assistant United States Attorney